

***United States Court of Appeals  
for the Second Circuit***



**BRIEF FOR  
APPELLEE**



# 76-1072

*To be argued by*  
ANGUS MACBETH

---

## United States Court of Appeals

FOR THE SECOND CIRCUIT

Docket Nos. 76-1072, 76-2015

---

UNITED STATES OF AMERICA,

*Appellee,*

-v.-

JOHN CAPRA, a k a "Hooks", et al.,

*Defendants-Appellants.*

---

ON APPEAL FROM THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK

---

### BRIEF FOR THE UNITED STATES OF AMERICA

---

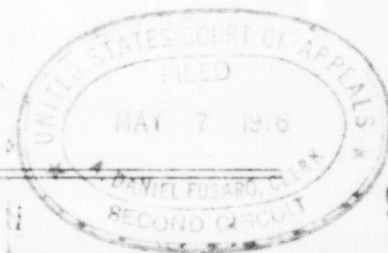
ROBERT B. FISKE, JR.,

*United States Attorney for the  
Southern District of New York,  
Attorney for the United States  
of America.*

ANGUS MACBETH,

FREDERICK T. DAVIS,

*Assistant United States Attorneys,  
Of Counsel.*



## TABLE OF CONTENTS

	PAGE
Preliminary Statement .....	1
Statement of Facts .....	1
<b>ARGUMENT:</b>	
POINT I—The issue of taint of Ramos's testimony has been litigated and may not be reopened on a post-conviction motion .....	4
POINT II—The request for a hearing was properly denied .....	11
POINT III—The defendants' claim is spurious as a matter of law .....	13
CONCLUSION .....	15

## TABLE OF AUTHORITIES

### *Cases:*

<i>D'Ercole v. United States</i> , 361 F.2d 211 (2d Cir.), cert. denied, 385 U.S. 995 (1966) .....	11
<i>Machibroda v. United States</i> , 368 U.S. 487 (1962) ..	13
<i>Meyers v. United States</i> , 448 F.2d 37 (2d Cir. 1971)	10
<i>Murgia v. United States</i> , 448 F.2d 1275 (9th Cir. 1971) .....	10
<i>Nardone v. United States</i> , 308 U.S. 338 (1939) ...	12
<i>Sanders v. United States</i> , 373 U.S. 1 (1963) .....	10
<i>United States ex rel. Sperling v. Fitzpatrick</i> , 426 F.2d 1161 (2d Cir. 1970) .....	14

	PAGE
<i>United States v. Arteri</i> , 491 F.2d 440 (2d Cir. 1974)	14
<i>United States v. Calandra</i> , 414 U.S. 338 (1974) . . .	14
<i>United States v. Capra</i> , 501 F.2d 276 (2d Cir. 1974), cert. denied, 420 U.S. 990 (1975) . . . . .	2, 8, 9
<i>United States v. Franzese</i> , 525 F.2d 27 (2d Cir. 1975) . . . . .	11, 12, 13
<i>United States v. Karathanos</i> , No. 75-1322, Slip Op. 1713 (2d Cir. Feb. 2, 1976) . . . . .	15
<i>United States v. Tane</i> , 329 F.2d 848 (2d Cir. 1964)	9
<i>United States v. Vandermark</i> , 522 F.2d 1019 (9th Cir. 1975) . . . . .	14
<i>United States v. Winsett</i> , 518 F.2d 51 (9th Cir. 1975)	14, 15
<i>Williams v. United States</i> , 503 F.2d 995 (2d Cir. 1974) . . . . .	12
<i>Williams v. United States</i> , 334 F. Supp. 669 (S.D. N.Y. 1971), <i>aff'd</i> , 463 F.2d 1183 (2d Cir.), cert. denied, 409 U.S. 967 (1972) . . . . .	10
<i>Williams v. United States</i> , 382 F.2d 48 (5th Cir. 1967) . . . . .	9

**United States Court of Appeals  
FOR THE SECOND CIRCUIT**

**Docket Nos. 76-1072, 76-2015**

---

UNITED STATES OF AMERICA,

*Appellee,*

—v.—

JOHN CAPRA, a/k/a "Hooks", et al.,

*Defendants-Appellants.*

---

**BRIEF FOR THE UNITED STATES OF AMERICA**

---

**Preliminary Statement**

John Capra, Leoluca Guarino and Stephen Dellacava appeal from an order of the United States District Court for the Southern District of New York, by the Honorable Marvin E. Frankel, United States District Judge, dated January 20, 1976, denying defendants' motion for post-conviction relief pursuant to 28 U.S.C. § 2255, or, alternatively, for a new trial, pursuant to Rule 33, Fed.R.Cr.P., and denying defendants' petition for dismissal of the indictment, a new trial, or a hearing with respect thereto.

**Statement of Facts**

In 1973 the defendants were convicted in the District Court on one count of conspiracy to violate the federal narcotics laws; on two counts involving the sale of two kilograms of heroin in August 1970 and one kilogram of

heroin in November 1970; and on two counts involving the distribution and possession with intent to distribute of a total of six and a half kilograms of heroin in October 1971.

At trial, the major Government witness was one Joaquin Ramos, a man with a long record of narcotics convictions who had been a confederate of the defendants (Tr. 140-145).<sup>\*</sup> In addition, the Government introduced various transcripts and recordings of wiretaps. On appeal this Court ruled that certain wiretaps were improperly admitted at trial and consequently reversed the conviction on Count One, the conspiracy count, while affirming the conviction and sentences on the substantive counts, Counts Two through Five. *United States v. Capra*, 501 F.2d 276 (2d Cir. 1974), *cert. denied*, 420 U.S. 990 (1975).

On November 20, 1975, Capra, Guarino and Dellacava filed a motion pursuant to Rule 33 of the Federal Rules of Criminal Procedure claiming that Ramos's testimony at trial was tainted by the illegal wiretaps which provided the basis for the reversal by the Court of Appeals as to Count One and that therefore the indictment in this case should be dismissed or a new trial ordered. The defendants also asked for a hearing in the District Court on this issue. Their claim is based on two items, an affidavit from a federal prisoner, Hipolito Navarro, and the transcript of a proceeding in the Court of Common Pleas, Lucas County, Ohio, concerning the reduction of Ramos's sentence on a narcotics conviction there. The defendants claim that these items show that Ramos's trial testimony was bargained for and procured as a direct result of knowledge gained from a suppressed conversation heard on October 2, 1972.

---

<sup>\*</sup> Citations to "Tr." refer to page numbers in the official trial transcript.

Review of the items submitted by the defendants does not sustain this claim. Navarro's affidavit concerns a prison meeting with Ramos following Ramos's decision to cooperate with the Government in November, 1972. (A41-42).<sup>\*</sup> Nowhere in that affidavit is it suggested that Ramos was even informed of the existence of the electronic surveillance *before* he decided to cooperate with the Government. Nor does the affidavit contain any discussion of procuration or bargaining. The Navarro affidavit simply does not contain a clear or discernible set of facts which substantiate the claims of the defendants.

The relevance of the Ohio transcript (A53-77) is even less clear. It deals with the fact that Ramos had been wrongly convicted in Ohio as a heroin courier since it was clear from evidence discovered after his conviction that one Joseph Messina rather than Ramos was the actual courier of the narcotics. On the basis of the Government's representation of those facts to the Ohio Court, Ramos's sentence was reduced. Once again, this transcript has no discussion of bargaining or procuration nor any suggestion that Ramos knew of the wiretap prior to the decision to cooperate.

The Government presented these and other points to the District Court in an affidavit and memorandum of law, and the District Court denied the defendants' motion and dismissed their petition in its entirety, including the request for an evidentiary hearing.

---

<sup>\*</sup> Citations to "A" followed by a number refer to pages in the appendix filed on this appeal.

## A R G U M E N T

## POINT I

**The issue of taint of Ramos's testimony has been litigated and may not be reopened on a post-conviction motion.**

Capra, Guarino and Dellacava claim that the testimony of Joaquin Ramos was tainted by the Government's knowledge derived from an October 2, 1972, wiretap and that his testimony should have been suppressed, thus entitling them to dismissal of the indictment or a new trial. They further assert that it was error on the part of the District Court to deny this claim without an evidentiary hearing. The defendants have previously explored in depth the question of when Ramos began to cooperate with the Government and what the terms of that cooperation were and have not now presented new, additional evidence entitling them to a hearing or any further consideration on the issue.

In the 1973 trial, Ramos was extensively cross-examined on the issue of his cooperation by the very attorney who represented the defendants on the present motions in the District Court. (*E.g.*, Tr. 591-709 *passim*, 778-91, 894-5, 924-42 *passim*, 1263-74). In particular, the relationship between his cooperation and the reduction of his Ohio sentence was examined at length:

Q. [by Mr. Slotnick] That is what you told the government, isn't it, that you did not commit the crime in Toledo?

A. [by Mr. Ramos] That is correct.

Q. As a result of that and this [present testimony] you are about to become a free man from the Toledo conviction, is that correct?

A. I don't know yet. Like I said, the only thing promised to me was I wouldn't be prosecuted in this case . . .

Q. You were promised what?

A. I wouldn't be tried in this case.

Q. This word would be told to the parole board?

A. Right . . .

Q. By whom were you promised?

A. By Mr. Feffer . . .

The Court: Tell us what you were promised by Mr. Feffer . . .

The Witness: That I wouldn't be prosecuted in this case. That the 4½ years that I owe will be brought to the attention of the parole board and there was no guarantee, that I might have to go back to jail.

Also, I might have to testify in other cases. He promised me to relocate my wife and children, which he fulfilled that promise . . .

The Court: Any other promises to you personally, for you personally?

The Witness: That is all.

Q. [by Mr. Slotnick] Were you made promises by any other member of the Federal Government?

A. No.

Q. Who first made the promise of receiving two years time served in Toledo?

A. Mr. Feffer had to go to Ohio and talk to the State of Ohio people over there.

Q. Did he tell you what the conversation was about?

A. That the District Attorney over there would be fully aware of my cooperation against my suppliers and if I did testify against them, that I would have to go back to two years time served and placed on probation.

Q. The district attorney agreed to that?

A. Yes, that is my understanding.

Q. When did he inform you that he made this trip?

A. Before, I think, before I entered the grand jury.

Q. That then would have to be somewhere about April, or November—November of 1972?

A. No, late winter.

Q. Late winter?

A. 1973.

Q. 1973? That is late December or beginning of January 1973?

A. I don't recall [Tr. 930-934].

The testimony in the case established that Ramos began cooperating with the Government in November, 1972 when he started to hold lengthy interviews with federal agents (Tr. 1273-74, 940-41). Thus Ramos's discussion with Feffer and the trip to Ohio regarding a reduction of sentence came after Ramos's decision to cooperate.

Defense counsel probed the relationship between Ramos's jail time and his cooperation with the Government more than once:

Q. [by Mr. Slotnick] Didn't the government agents tell you, "Don't worry Johnny, we are going to help you out"?

A. They can't promise that.

Q. Right, but you knew by doing what you were doing that you were going to get out of jail, didn't you know that at that time?

A. No.

Q. As a result of Mr. Feffer's promise, if the Federal Government doesn't prosecute you as a parole violator, isn't it a matter of fact that you have no further jail obligations at the end of this case?

A. He can't promise me that. (Tr. 941)

The terms of the cooperation were also explored when the Government agents were on the stand. Police Officer Jackson, who had participated in discussions with Ramos, was questioned about those negotiations:

Q. [by Mr. Slotnick] Do you remember, do you ever remember any offer being made to Mr. Ramos?

A. [by Mr. Jackson] Yes . . .

Q. Do you remember what the offer was?

A. Basically if he would cooperate with the Government, his wife and family would be protected, he would be protected, and he would be given as much help as we possibly could in his condition, wherever he was, whether we could help him on his cases or whatever, and I believe he was told he wouldn't be prosecuted on this particular case . . .

Q. And do you recollect whether there was any negotiation with regard to money?

A. None that I can recall, no. (Tr. 1263-64)

In sum, the defense was at liberty to and, in fact, did, develop whatever facts surrounding Ramos's cooperation they believed would be helpful to their cause. The trial testimony established the date when Ramos began cooperating—November, 1972—and the terms on which the cooperation commenced. No testimony was developed to suggest that Ramos knew of the October 2, 1972, wiretap before his decision to cooperate or that the wiretap played any part in his decision. It would have been strange indeed for the Government to reveal to Ramos, a confederate of the defendants with a long narcotics history and no prior record of cooperation, *before* he was cooperating, that the conversations of his associates were falling into the hands of law enforcement agencies. It is also clear that prior to his cooperation the Government could not and did not promise that Ramos's Ohio sentence would be reduced.

On appeal of the defendants' convictions, the question of Ramos's cooperation and its relation to the wiretaps was examined by this Court. In ruling on that appeal, the Court addressed the issue of whether or not Ramos's testimony was tainted by the illegal wiretaps. It found that there was no taint and on that basis allowed the convictions on the substantive counts, Two through Five, to stand:

"The record shows that none of the evidence resulting from the illegal wiretaps was used to prove the guilt of any of the defendants, Capra, Guarino, Dellacava and Jermain, on the substantive charges, Counts 2, 3, 4 and 5. All of the events relating to these four counts, and all of the relevant events encompassed in the counts, occurred prior to the installation of the wiretap; moreover Ramos' testimony on these charges was independently corroborated. There is no indication in the record nor was there a claim by any of the defendants that the police identified Ramos or asked him to testify as a result of evidence uncovered by the wiretaps. See *Wong Sun v. United States*, [371 U.S. 471 (1963)]". *United States v. Capra*, 501 F.2d 267, 281-2 (2d Cir. 1974) (emphasis supplied).

Defendant Capra continued to press this issue. In his Petition for Rehearing before this Court he took issue with this holding in the appellate decision:

"there can be no question but that the identity of Ramos and his connection with Capra, Guarino and Dellacava were discovered as a result of the conversation overheard at the Havermeyer Club on October 2, 1972 the conversation together with its direct flow to Ramos is *prima facie*, the result of listening to the wiretaps). [sic] Therefore, this

Court's statement that there is no indication the police identified Ramos or asked him to testify as a result of the evidence uncovered by the wiretaps is premature if not incorrect." Capra Petition for Rehearing and Suggestion for Rehearing En Banc, A 98-99, citations omitted.

This Court denied the Petition for Rehearing (Order of Court of Appeals, September 27, 1974) and in doing so denied this claim.\*

The only addition which the defendants now make to their allegations is that the tap was used to bargain for and procure Ramos's testimony. No new evidence is submitted directly supporting that conclusory charge, thus the defendants in fact seek to relitigate an issue which has already been passed upon by this Court.

There can be no question in the present case that Ramos was not identified through the illegal wiretap of October 2, 1972, since that issue has been established by the prior litigation in this case. The defendants' discussion of and reliance on *Williams v. United States*, 382 F.2d 48 (5th Cir. 1967); *United States v. Tane*, 329 F.2d 848 (2d Cir. 1964), (Brief at 20-23), and similar cases is thus beside the point.

Capra, Guarino and Dellacava attempt to evade this clear legal conclusion by now offering a variation of the original allegation. They now claim that the testimony of Ramos was bargained for and procured on the basis of the October 2, 1972 wiretap. The defendants cannot offer any evidence in support of this claim. The Navarro

---

\* All three defendants also raised the same issue in a petition for writ of certiorari to the Supreme Court of the United States. The petition was denied. 420 U.S. 990 (1975).

affidavit relates to a time *after* Ramos had agreed to testify and it does not contain a shred of evidence suggesting any process of bargaining or procuring based on the October 2, 1972 conversation. The Ohio transcript likewise makes no reference to bargaining or the use of the October 2, 1972 conversation as a lever to obtain the cooperation of Ramos. Thus the "new" evidence does not support the new charge.

It is firmly established in this Circuit that a collateral challenge under 28 U.S.C. § 2255 may not be used to relitigate matters which were addressed on appeal. *Williams v. United States*, 334 F. Supp. 669 (S.D.N.Y. 1971), *aff'd*, 463 F.2d 1183 (2d Cir.), *cert. denied*, 409 U.S. 967 (1972); *Meyers v. United States*, 446 F.2d 37 (2d Cir. 1971); *Murgia v. United States*, 448 F.2d 1275 (9th Cir. 1971). *See also, Sanders v. United States*, 373 U.S. 1, 16 (1963).

In sum, the defendants have presented the same claim of taint in Ramos's testimony which was adjudicated by this Court on the appeal of this case. The form of this charge has been varied somewhat—from the claim that Ramos was identified through the October 2, 1972 conversation to a claim that that conversation was used to bargain for Ramos's testimony. But no evidence is presented to support this change in the basis of the claim. The record has not been enlarged in any material manner. Section 2255 may not be used to relitigate a claim where no new material evidence is presented. The application must be denied.

**POINT II****The request for a hearing was properly denied.**

Capra, Guarino and Dellacava also claim that whether or not Ramos decided to cooperate after listening to or hearing about the October 2, 1972 conversation is a question of fact that cannot be decided without a hearing. Brief at 13. The defendants have not met their burden in coming forward with evidence suggesting the taint they claim. Without the presentation of such evidence there was no basis for a hearing and the request for the hearing was properly denied.\*

The defendants' claim for a hearing must rest in essence on the affidavit of Navarro. (A. 41-42). That affidavit, relating the substance of a conversation with Ramos, is insufficient basis for a hearing because it is based on incompetent, hearsay testimony. It is settled law that an affidavit is insufficient "if it does not qualify as proper evidential material . . . because it is hearsay and could not be used at a hearing". *D'Ercole v. United States*, 361 F.2d 211, 212 (2d Cir.), cert. denied, 385 U.S. 995 (1966). See *United States v. Franzese*, 525 F.2d 27 (2d Cir. 1975).

As here, D'Ercole relied on the affidavit of a prisoner which set out purported conversations with a major Government witness. The prisoner claimed that the witness, D'Ercole's co-defendant, had stated that he had been coerced by federal agents to testify falsely against D'Ercole. Despite the serious nature of the allegations, the Court of Appeals affirmed the District Court's denial, without a hearing, of the 2255 petition because the sup-

---

\* In addition, the legal premise underlying the defendants' claim is erroneous. This issue is discussed separately in Point III, *infra*.

porting affidavit was grounded in hearsay. The Navarro affidavit is clearly much weaker in the allegations which it makes than that presented in *D'Ercole* and it fails equally to meet the legal standard required for a hearing.

More fundamentally, neither the Navarro affidavit nor the Ohio transcript is of any probative significance concerning the question that the defendants wish to address at a hearing, that is, whether or not the October 2, 1972 conversation was used to bargain for Ramos's testimony. The defendants claim that since the Government has not denied this allegation, they are entitled to a hearing on the matter (Brief at 14). This utterly misconstrues the posture of the case. The Government is under no obligation to deny the charge because it has never been properly put in issue. Since the defendants' claim of taint rests on this allegation, defendants must produce evidence in support of the claim. *Nardone v. United States*, 308 U.S. 338 (1939). They simply have not done so.

The Navarro affidavit and the Ohio transcript do not, as the defendants claim, show that the wiretaps "were the instruments by which Ramos' testimony was bargained for and procured" (A51). At most the Navarro affidavit suggests that as of the middle of December 1972, Ramos was aware of the existence of certain unspecified tapes. Nowhere is there any suggestion that "Ramos' testimony was bargained for and procured" through use of any electronic surveillance. Thus, the Navarro affidavit in support of the motion does not even join issue with any material fact and is therefore insufficient. See e.g., *United States v. Franzese*, *supra*, 525 F.2d 27 (2d Cir. 1975) (Court affirmed denial of hearing on the basis of affidavits due to insufficiency of petitioner's supporting affidavit); *Williams v. United States*, 503 F.2d 995 (2d Cir. 1974) (Court affirmed denial of section 2255 petition without a hearing on the grounds that averment in sup-

port of petition was insufficient. "Where allegations in the petition are immaterial, conclusory and palpably false, there is no basis for a hearing." *Id.* at 998). Defendants have made no showing that they have probative and significant evidence to present at a hearing in support of their claim. Furthermore, the factual allegations they did make were viewed and placed in context by the trial judge who "had the advantage of intimate familiarity with the case, born of many pre- and post-trial motions and a long trial where he had an opportunity to observe the witnesses." *United States v. Franzese, supra*, 525 F.2d at 32 (footnote omitted). As the Supreme Court noted in *Machibroda v. United States*, 368 U.S. 487, 495 (1962), "The language of [§ 2255] does not strip the district courts of all discretion to exercise their common sense." None of the facts alleged in the affidavits submitted by the defendants suggests that their judicial discretion or common sense was abused by the failure to hold a hearing.

### POINT III

#### **The defendants' claim is spurious as a matter of law.**

Assuming, *arguendo*, that the defendants would be able to show on affidavits or at a hearing that the overheard conversation of October 2, 1972 was used to bargain with Ramos for his cooperation, their claim still fails as a matter of law. Judge Frankel addressed this question in his denial of the application:

Whatever has been or is meant by the doctrine concerning "fruit of the poisonous tree", it has never been, and should not be, stretched to the length petitioners propose. The concern is not with evidence that incriminated petitioners, or touched them directly at all. The complaint here is that the Government may have learned non-incriminating facts about another person and used

that innocent information to encourage that person's assistance in law enforcement. Leaving aside whether any of the petitioners have standing to make such a claim, it must be rejected as exceeding any rational bounds of the prophylactic rules. (A 119).

Defendants ultimately seek to suppress Ramos's testimony, relying on the exclusionary rule of the Fourth Amendment. The rule is, of course, a judicially created remedial measure whose purpose is to deter future unlawful governmental action and thus effectuate the guarantees of the Fourth Amendment. "As with any remedial device, the application of the rule has been restricted to those areas where its remedial objectives are thought most efficaciously served" *United States v. Calandra*, 414 U.S. 338, 348 (1974). See also *United States v. Artieri*, 491 F.2d 440, 446-447 (2d Cir. 1974). The purposes of the exclusionary rule would not be served by suppression of Ramos's testimony in this case.

There can be little doubt that the Government is not barred from bringing evidence of Ramos' innocence to the attention of the court that sentenced him. The similarity to cases where illegally seized evidence, adverse to a defendant, is admissible at hearings on the revocation of parole or probation is obvious. *United States ex rel. Sperling v. Fitzpatrick*, 426 F.2d 1161 (2d Cir. 1970); *United States v. Winsett*, 518 F.2d 51 (9th Cir. 1975); *United States v. Vandermark*, 522 F.2d 1019 (9th Cir. 1975). Thus there can be no rational complaint of the fact that the Government actually presented the evidence in its possession to the Ohio Court.

In these circumstances, the only plausible lever which the Government could employ against Ramos on the basis of the illegal tap would be a threat that the evidence would be presented to the Ohio court only if Ramos cooperated. There is not the slightest shred of evidence

that any Government agent behaved in that manner and the suggestion is sufficiently outlandish that even these defendants do not urge it.

The teaching of *Calandra* clearly indicates that there are no grounds for the suppression of the evidence in this case. The likelihood of the police seeking out, by illegal means, evidence of the innocence of a narcotics offender in order to convince him to testify against his confederates is miniscule. These are not circumstances in which the extension of the exclusionary rule is in the least likely to deter police misconduct. *United States v. Winsett, supra*, at 54. Conversely, the fruits of this electronic surveillance were not reasonably foreseeable nor are they in the least likely to induce similar future surveillance. *United States v. Kirathanos*, No. 75-1322, Slip Op. 1713, 1729 (2d Cir. Feb. 2, 1976). Judge Frankel is entirely correct; there is no basis for extending the prophylactic rule in the circumstances of this case. Defendants' claims must fail as a matter of law.

### CONCLUSION

**For the reasons set out above, the decision of the District Court should be affirmed.**

Respectfully submitted,

ROBERT B. FISKE, JR.,  
*United States Attorney for the  
 Southern District of New York,  
 Attorney for the United States  
 of America.*

ANGUS MACBETH,  
 FREDERICK T. DAVIS,  
*Assistant United States Attorneys,  
 Of Counsel.*

UNITED STATES COURT OF APPEALS  
FOR THE SECOND CIRCUIT

UNITED STATES OF AMERICA

v.

: AFFIDAVIT OF  
MAILING

JOHN CARRA a/k/a "Hooks"  
Defendants-Appellants

76-1072  
762015

STATE OF NEW YORK )

: SS.:

COUNTY OF NEW YORK )

ANGUS MACBETH being duly sworn,  
deposes and says that he is employed in the office of the  
United States Attorney for the Southern District of New York.

That on the 7<sup>th</sup> day of May, 1976 he  
served a copy of the within Brief  
by placing the same in a properly postpaid franked envelope  
addressed as follows:

SANTANGELO & SANTANGELO  
253 BROADWAY  
NEW YORK, N.Y.

And deponent further says that he sealed the said envelope  
and placed the same in the mail chute drop for mailing ~~in the~~  
outside the United States Courthouse  
Borough of Manhattan, City of New York.

Angus Macbeth

Sworn to before me this

7<sup>th</sup> day of May, 1976

Maria A. Morales

MARIA A. MORALES  
NOTARY PUBLIC, State of New York  
No. 31 - 4521851  
Qualified in New York County  
Term Expires March 30, 1978